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PATENT TRADEMARK OFFICE



Docket No: 2094/1E285US1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kevin M. GORMAN, David R. PATTERSON, Jeffrey M. LINNEN and Keming SONG

Serial No.: 09/494,332

Art Unit: 1655

Confirmation No.: 3281

Filed: January 28, 2000

Examiner: J. GOLDBERG

For: OLIGONUCLEOTIDE PRIMERS FOR EFFICIENT MULTIPLEX DETECTION OF HEPATITIS C VIRUS (HCV) AND HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND METHODS OF USE THEREOF

TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(c)

Hon. Commissioner of Patents and Trademarks
Washington, DC 20231

S I R:

The undersigned agent of record in the above-captioned patent application hereby states as follows:

1. Ortho-Clinical Diagnostics, Inc. is owner of the entire right, title and interest in this application by virtue of an assignment executed by each of the above-

named inventors and recorded in the U.S. Patent and Trademark Office on December 26, 2000 at Reel 011389, Frame 0823. Ortho-Clinical Diagnostics, Inc. is a corporation organized under the laws of New Jersey and located at 1001 U.S. Highway 202, Raritan, New Jersey 08869-0606.

2. Ortho-Clinical Diagnostics, Inc. is also owner of the entire right, title and interest in co-pending U.S. patent application Serial No. 09/493,353 filed on January 28, 2000 (hereinafter referred to as "the '353 application") by virtue of an assignment executed by each of the '353 application's named inventors and recorded in the U.S. Patent and Trademark Office on January 29, 2001 at Reel 011484, Frame 0849.

3. Ortho-Clinical Diagnostics, Inc. hereby disclaims, except as provided below, the terminal part of any patent granted on the above-captioned patent application which would extend beyond the expiration date of the full statutory term of any U.S. patent that may be issued on the '353 application.

4. Ortho-Clinical Diagnostics, Inc. further agrees that any granted patent on the above-captioned application shall be enforceable only during such period that the legal title to said granted patent is the same as the legal title to any U.S. patent granted on the '353 application. This agreement is to run with any patent granted on the above-captioned application and is to be binding upon the grantee, its successors and assigns.

5. Ortho-Clinical Diagnostics, Inc. does not disclaim any terminal part of any patent granted on the above-captioned application prior to the expiration date of the full statutory term of any U.S. patent that may issue on the '353 application, in the event that such patent issuing on the '353 application later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid;
- is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a); or
- has all claims canceled by a reexamination certificate.

Pursuant to 37 C.F.R. § 1.20(d), a statutory disclaimer fee of **\$110.00** accompanies this Terminal Disclaimer. Please charge any deficiency in the accompanying fee to our Deposit Account No. 04-0100.

Respectfully submitted,

Dated:

February 5, 2003

Samuel S. Woodley
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